

United States Senate

WASHINGTON, DC 20510-2309

March 16, 2011

The Honorable Inez Moore Tenenbaum
Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Tenenbaum,

I write today on behalf of one of my constituents whose 10-month-old daughter sustained third-degree burns from placing her palms on the glass front of a gas fireplace. This constituent's family was staying at a hotel with a gas fireplace when their daughter briefly placed her hands on the glass enclosure. She required several days of hospitalization and graft surgery to repair her hands.

Unfortunately, this doesn't appear to be an isolated case. According to federal estimates, there have been roughly 2,000 burn related injuries from glass-enclosed fireplaces to children five and under since 1999. Worse, the frequency of these injuries is rising. I'm concerned that regulators haven't taken the necessary steps to help prevent these kinds of injuries.

As you know, the gas fireplace industry is largely self-regulated. The principal set of regulations comes from the American National Standards Institute. The standards this body creates are entirely voluntary, and are written largely at the behest of manufacturers and trade associations. It's become clear that little to no input from safety organizations has been taken into consideration for gas fireplaces.

When these kinds of voluntary standards fail to achieve even the most basic of protections, it is up to state and federal regulators to act. Sadly, my constituents have good reason to blame regulators' lack of action in dealing with this problem. In an article released earlier this year by Southern California Public Radio, the spokesman of the CPSC was quoted as saying, "For its part, the CPSC has no plans to address the issue...under federal law, the commission is supposed to defer to voluntary standards unless there is proof they aren't effective in preventing injuries or deaths."

I find the CPSC's stated unwillingness to address this issue troubling, especially considering that the ANSI and other voluntary standard writers see the CPSC as a guide on safety issues. As the president of a prominent testing laboratory recently said, "I think the primary thing [the committee of voluntary standard writers] relies on is that CPSC has not required them to control that temperature [of gas fireplaces]."

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I respectfully ask the CPSC to reconsider deferring to voluntary standards in the case of glass-enclosed gas fireplaces. I also request that you provide a detailed explanation of what steps the Consumer Product Safety Commission is taking to reduce the burn hazard of glass-enclosed fireplaces and what recommendations the Commission has moving forward on this issue.

I appreciate your consideration of this matter. If you have any questions, please don't hesitate to contact me, or Peach Soltis of my staff, at (202) 224-5641. Thank you, and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Franken", with a long horizontal flourish extending to the right.

Al Franken
United States Senator